

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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EMHART INDUSTRIES, INC. *
*
vs. * C.A. No. 02-053S
HOME INSURANCE COMPANY, *
INSURANCE COMPANY OF NORTH *
AMERICA, LIBERTY MUTUAL INSURANCE *
COMPANY, NORTH RIVER INSURANCE *
COMPANY, ONEBEACON AMERICAN *
INSURANCE COMPANY, and UNITED STATES *
FIRE INSURANCE COMPANY *

DEPOSITION OF JOSEPH NADEAU, a Witness in the
above-entitled case, taken on behalf of the
Defendant, Liberty Mutual, before Linda L.
Guglielmo, RPR-RMR, a Notary Public in and for the
State of Rhode Island, at the offices of Holland &
Knight, LLP, One Financial Plaza, Providence, Rhode
Island on December 17, 2002, at 9:30 A.M.

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1 (DEPOSITION COMMENCED AT 9:30 A.M.)

2 JOSEPH NADEAU

3 Being duly sworn, deposes and testifies as follows:

4 THE REPORTER: Would you state your
 5 full name for the record, please.

6 THE WITNESS: Joseph Nadeau.

7 EXAMINATION BY MS. MAIN

8 Q. Ms. Nadeau, my name is Robin Main and I'll be
 9 taking your deposition this morning. I represent
 10 Liberty Mutual Insurance Company and this is an
 11 insurance coverage action in which Liberty Mutual
 12 has been sued by a company called Emhart, and it's
 13 alleged that Emhart is the successor to some of the
 14 companies that operated at the Smith Street facility
 15 in Centerdale back in time in the '50s, '60s, '70s
 16 and so forth. With me today are other defense
 17 counsel for insurance companies. I'd like them to
 18 introduce them.

19 MR. GLOWACKI: I'm John Glowacki, I
 20 represent Century Indemnity Company.

21 MR. NETBURN: My name is
 22 Peter Netburn, sir, I represent another insurance
 23 company in this case.

24 MR. BINDER: I'm Richard Binder, I

1 represent Emhart. And a brief correction in what
 2 you said, is the allegations that are -- that the
 3 operation of the site was in the '50s, '60s and not
 4 the '70s.

5 MS. MAIN: Thank you.

6 Q. Mr. Nadeau, if for any reason you need a beverage or
 7 you want to take a break, tell me, it's your
 8 choice. And because this deposition is being taken
 9 down by the stenographer, when I ask you a question
 10 you can't just nod your head, you have to answer yes
 11 or no?

12 A. Okay.

13 Q. We all make that mistake. I will remind you of
 14 that. If for any reason you don't hear me or don't
 15 understand my question, let me know, I'll rephrase
 16 it for you.

17 A. Fine.

18 Q. So, Mr. Nadeau, would you please give me your home
 19 address?

20 A. [REDACTED]

21 Q. You're here today pursuant to a subpoena; is that
 22 correct?

23 (DEFENDANT'S EXHIBIT 1

24 MARKED FOR IDENTIFICATION)

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1 A. Correct.

2 Q. If you would take a look at that, and tell me if

3 you've seen it before, please?

4 A. Yes, I have.

5 Q. Is that the subpoena that you received that required

6 your attendance this morning?

7 A. Yes, it is.

8 Q. Okay. And again, thank you for coming here this

9 morning, sir. Mr. Nadeau, would you please tell me

10 if you're presently employed?

11 A. Yes, I am.

12 Q. By which company?

13 A. CVS Pharmacy.

14 Q. How long have you been with CVS?

15 A. Three and a half years now.

16 Q. Okay. And what do you do with CVS?

17 A. I'm a security data base administrator.

18 Q. And prior to working with CVS where did you work,

19 sir, if anywhere?

20 A. Prior to CVS I worked for Washington Trust Bank

21 in Westerly, Rhode Island, I was the operations

22 manager there.

23 Q. And how long were you operations manager at

24 Washington Trust?

1 Q. Prior to Old Stone where did you work, sir?

2 A. Prior to Old Stone I worked for E.A. Adams &

3 Son in Pawtucket. I was computer operator there

4 back in early '70s.

5 Q. In its infancy?

6 A. Yeah.

7 Q. And prior to E.A. Adams were you employed?

8 A. I worked for Uniroyal. I started working for

9 Uniroyal in 1967, but I also worked for Quaker

10 Fabric, too, from '81, I think, to '84 or '85 as

11 computer operations manager.

12 Q. In Fall River?

13 A. In Fall River, yes.

14 Q. And when you were at Uniroyal in the late '60s, what

15 did you do for them?

16 A. I was the utility person. I was fresh out of

17 the Army in '67. So I think my official title was

18 fitter, which means we created the big fuel

19 containers for the military, so I used to put the

20 hardware on. In the meantime, I was going to school

21 and getting out of all that stuff.

22 Q. How long were you in the Army?

23 A. Two years.

24 Q. Did you hold any other jobs in the 1960s that we

Page 7

Page 9

1 A. Four and a half years, maybe.

2 Q. And this is like a walk through your life, where

3 were you prior to Washington Trust?

4 A. Prior to Washington Trust I had a six-month

5 employment at the Foxwoods Casino.

6 Q. What did you do at Foxwoods?

7 A. I was a dealer.

8 Q. Okay. That must have been interesting.

9 A. No, it was not.

10 Q. Prior to Foxwoods where did you work?

11 A. I had a short stint with a company called --

12 oh, God, Aquidneck Systems, in North Kingstown.

13 Q. What did you do at Aquidneck Systems?

14 A. I was the help desk manager.

15 Q. Is that a computer company?

16 A. Yes. They sell creative software.

17 Q. And prior to Aquidneck Systems where did you work?

18 A. I worked for Old Stone Bank for 17 years.

19 Q. What did you do at Old Stone?

20 A. I was the operations manager, computer

21 operations manager.

22 Q. At a specific location or for the bank wide?

23 A. It was corporate. It was at the computer center

24 was on Jefferson Boulevard in Warwick.

1 haven't discussed?

2 THE WITNESS: In the '60s?

3 MS. MAIN: Yes.

4 A. Early '60s I had a summer job with the

5 Metro-Atlantic Chemical and the barrel shop which

6 were owned by the Buonannos, I believe, and I did

7 some part-time work in some textile mills. I kept

8 busy.

9 Q. I guess so. You said your job at Metro-Atlantic and

10 the barrel job was a summer job?

11 MR. BINDER: Objection.

12 MS. MAIN: What's your objection to

13 that, Rick?

14 MR. BINDER: I thought you said

15 Metro-Atlantic in the barrel shop.

16 MS. MAIN: And the barrel shop.

17 A. There were two factories on the same lot, and I

18 worked one or two summers in the barrel shop.

19 Q. Were you in school at the time you were working for

20 Metro-Atlantic?

21 A. Yes.

22 Q. High school?

23 A. High school, yes.

24 Q. Do you have any -- did you graduate from high

Page 10

Page 12

1 school?
 2 A. Yes.
 3 Q. Do you have any degrees after high school?
 4 A. I had a year of ECPI computer processing school
 5 and two years at Bryant, and the rest of it is all
 6 the hardware.
 7 Q. Okay. Focusing strictly on Metro-Atlantic, do you
 8 recall which year or years you worked there?
 9 A. Now, here is where I get fuzzy. I can't
 10 remember Metro-Atlantic is the chemical company or
 11 is that the barrel shop? The barrel shop was the
 12 early '60s, like '62, '63, maybe. I can't remember,
 13 I'm fuzzy on that.
 14 MS. MAIN: Do you have an objection
 15 if --
 16 MR. BINDER: I think we've agreed
 17 that Metro-Atlantic is the chemical company and New
 18 England Container Company is the name of the barrel
 19 shop.
 20 THE WITNESS: New England Container.
 21 Q. That's okay. So you worked for New England
 22 Container?
 23 A. Yes.
 24 Q. '62, '63?

1 A. Yes.
 2 Q. Okay. Do you remember about how old you were?
 3 A. 16, 17 maybe.
 4 MS. MAIN: Mr. Nadeau, I'll apologize
 5 ahead of time, some of my questions are going to be
 6 painfully obvious, the answers to them, so just bear
 7 with me, I've got to create a record.
 8 THE WITNESS: If mine are painfully
 9 vague, it's because I can't remember.
 10 MS. MAIN: Well, it was 40 years ago.
 11 Q. You mentioned that you loaded and unloaded trucks at
 12 New England Container?
 13 A. Yup.
 14 Q. What were you loading and unloading?
 15 A. The unloaded barrels were picked up at sites
 16 throughout Rhode Island, the drivers would go out
 17 and get these barrels from wherever they got them,
 18 they would buy them and recondition the barrels.
 19 The barrels came in from different companies
 20 throughout, and when I was loading the barrels,
 21 those barrels had been reconditioned at that point,
 22 painted to the specs of the company, and then we'd
 23 take those barrels from wherever they were stored,
 24 load them on a truck, and then the driver would take

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1 A. Somewhere in that time range, yes.
 2 Q. When did you work for Metro-Atlantic?
 3 A. That probably would have been '63, '64, that
 4 time frame, and part of '65.
 5 (MR. AYLWARD ENTERED)
 6 Q. Let's focus on New England Container, since that was
 7 the first company you worked for on that site. What
 8 did you do for New England Container?
 9 A. It was pretty much utility work, loading
 10 trucks, unloading trucks. They had a sandblaster,
 11 we blasted the paint off of barrels and the covers
 12 of those barrels. Putting the covers on the silly
 13 things. Putting them in storage, taking off them --
 14 they had a conveyor type, burner-type device, take
 15 the barrels off the burner device or feeding them to
 16 the guy that was putting them on to the burner. We
 17 have a supply of barrels that came on the burner and
 18 off the burner on the other side. So any number
 19 of -- whatever tasks were at hand. At the time I
 20 was a high school kid, so they didn't put me on
 21 anything, you know, I wasn't on the road or doing
 22 things like that.
 23 Q. Okay. Did you work at New England Container solely
 24 during the summer?

1 them away to wherever they were going.
 2 Q. Okay. And when you would unload barrels off the
 3 trucks, would the barrels have anything in them?
 4 A. If they had anything in them, it was minimum.
 5 For whatever reason -- well, you couldn't be
 6 handling any of those barrels that easily if they
 7 had anything in them. At times they had stuff in
 8 them, whatever that stuff may have been at the time.
 9 Q. If the barrels had stuff in them when you were
 10 unloading, what would you do with the contents of
 11 the barrels?
 12 A. I didn't do anything. I just took them off the
 13 truck. They had a stockpile in the back and we
 14 would throw them up in rows onto the -- and those
 15 things, if you can't pick them up, then most of the
 16 time they might -- some of them had plastic bags
 17 that we took out. From what I can remember, some of
 18 these barrels came from a dye company, so there was
 19 some powdered dye, I can't remember whether that was
 20 in bags or not. I can't remember -- I can't
 21 remember what we did with them. I can't remember.
 22 Some of them had oil in them.
 23 Q. What would you do, for example, with the oil that
 24 was in them?

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1 A. I didn't do anything. Some of the guys used to
 2 take the oil and put it in their vehicles.
 3 Q. And if -- did you ever observe, besides putting the
 4 oil in vehicles, perhaps, did you ever observe
 5 people at New England Container doing something else
 6 with the oil?
 7 A. No.
 8 Q. When you said that you would stack up the barrels,
 9 were you stacking them end on end or on their sides?
 10 A. Typically they were stacked in long rows down
 11 in the back part of the barrel company in long rows
 12 on their sides, on each other. They got stacked end
 13 on end, usually after they had been reconditioned.
 14 Q. Okay. And the barrels that would have the plastic
 15 bags in them that you referred to, did you observe
 16 what happened to those plastic bags?
 17 A. Those bags were taken down in the back part of
 18 the facility and dumped on the ground.
 19 Q. Did you ever observe any burying of those bags?
 20 A. No.
 21 Q. Was there a pile of bags that would just be left?
 22 A. I don't remember, I don't remember.
 23 Q. Other than oil being in the barrels that were being
 24 unloaded, did you ever observe any other types of

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1 liquids in the barrels?
 2 A. I know, like I said, there was dye, and from
 3 what I remember, it was powdered dye and it was
 4 nasty.
 5 Q. Why do you say it was nasty?
 6 A. Because it would get all over you. So you were
 7 the rainbow person at the end of the day if you
 8 happened to be the lucky one to unload the barrels.
 9 Other than that, I can't remember. I know they
 10 picked up barrels from Bradford Dye, and there was a
 11 soap company, but I can't remember.
 12 Q. Okay. And would the powder that would come out from
 13 the dye company barrels, where would that powder go
 14 once you would unload the barrels?
 15 A. If there was bags in there, they took the bags
 16 out, and those bags were thrown in the back. After
 17 that, there probably wasn't -- from what I can
 18 remember, there was never full barrels of anything.
 19 It probably went through the burn station, I'm
 20 assuming that, before anything went on a conveyor
 21 belt, there was a pit in front of the burner the
 22 barrels would be dumped, it would be poured into the
 23 pit, the barrel would go on to the track and it
 24 would go through the -- some chain type thing, into

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1 the burner station, it would come out the other
 2 side, and then from there it would get sandblasted
 3 or just stacked up for a while until something was
 4 done with it.
 5 Q. In this pit that you're referring to under the track
 6 that fed into the burner, what function did that pit
 7 have?
 8 A. As near as I can remember, if you dump stuff
 9 into that pit, it was a drain, it stopped the barrel
 10 from being full when it went into anything, you tip
 11 it upside down, it runs out. It went into a pit,
 12 there was less for the burner to burn off, I'm
 13 assuming.
 14 Q. So the pit would --
 15 A. It was just a collection.
 16 Q. It would collect the contents of the barrel?
 17 A. Yes. It would be on fire most of the time.
 18 Q. With flames coming up?
 19 A. Oh, yes. Because you had the big burner right
 20 there in front of you. A lot of times that stuff,
 21 whatever it was, sometimes it burned, sometimes it
 22 didn't burn.
 23 Q. When it burned, was there any odor associated with
 24 it?

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1 A. Sure. It was chemicals. Nothing about that
 2 whole corner smelled good.
 3 Q. Did you -- did you work in the vicinity of that pit
 4 area, Mr. Nadeau?
 5 A. Like I said, at that point in time I was about
 6 100 pounds, skinny kid, and I just fed the barrels
 7 to some poor guy who stood in front of this
 8 150-degree thing and just kept putting barrels into
 9 it. They kept me away from the dangerous stuff.
 10 MR. BINDER: Move to strike the
 11 last statement.
 12 MS. MAIN: During the course of the
 13 deposition --
 14 THE WITNESS: I don't take any of
 15 this personally. You can strike anything you want.
 16 MS. MAIN: During the course of the
 17 deposition some of us may say move to strike or
 18 object, it's just legal --
 19 THE WITNESS: It's legalese.
 20 Q. You and I will just continue on our merry way. Do
 21 you remember if the pit was constructed out of any
 22 type of material?
 23 A. I believe there was like a foundation, like a
 24 concrete foundation on the site. I believe, I

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Page 20

1 cannot remember that for sure. That's the first
2 thing that comes into my mind.

3 Q. All right. So you don't remember it just being a
4 hole in the ground?

5 A. No, I don't believe it was. Just a hole, I
6 don't think that was the case. I believe there was
7 some form to it.

8 Q. Do you know if there were any drains in the pits?

9 A. No, there were no drains, as far as I know.

10 Every once in a while that was cleaned out, someone
11 would shovel it out or do whatever they did to clean
12 it out, throw it in barrels, and I don't know where
13 it went from there.

14 Q. So when they shoveled out the pit, it was the
15 contents were just put into barrels at that point;
16 is that correct?

17 A. Yes.

18 Q. Did you ever have to do that?

19 A. No, thank you.

20 Q. Can you tell me physically what this whole process
21 looked like, meaning the pit and the track and the
22 burner, and what I mean by that, was it enclosed in
23 a building or was it a different type of setup?

24 A. From what I can remember, the burner itself was

1 Container, did you ever talk to the other employees
2 there about the fire and the pit, for example?

3 A. No.

4 Q. Okay. Did you see any other fires at New England
5 Container other than the pit fires?

6 A. In the container place, I don't remember seeing
7 any fires.

8 Q. Okay. How would the fires be put out, if they were?

9 A. You know, I don't remember. I'm just guessing
10 they took a hose to them. I'm not sure. Like I
11 said, these weren't big roaring infernos. Sometimes
12 whatever dripped out of the barrels, whatever was in
13 them, resin or whatever, I wasn't quite sure what
14 was in them.

15 Q. Did you ever observe any burying of barrels on the
16 site?

17 A. No burials of any kind.

18 Q. Did you see the burying of any other type of
19 material on the site?

20 A. Like I said, I saw no burials or backfilling of
21 anything.

22 Q. Okay. And how many summers did you work at New
23 England Container?

24 A. It might have been two, I can't remember. One

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1 on the outside of the building on the rear side of
2 the building, and that's where the barrels were
3 stacked that were going to go through the burner on
4 that day or maybe they brought more in as the day
5 progressed, I can't remember. Whoever was loading
6 that burner would take those barrels or they would
7 be passed to him, they would be tipped upside down,
8 put on the burner, they went down the track that
9 brought them into the building, they came out on the
10 other side with ash on them in some cases because of
11 the heat, and maybe even fire in some cases. They
12 tipped it out, the barrels were stacked on the side.
13 At some point in time they would be sandblasted,
14 stored for a while, maybe, and then brought in and
15 painted for whatever the customer's requirements
16 were. Stored in the warehouse until delivery time
17 was made. Sometimes they did all of that in one
18 day, sometimes they went through the burner,
19 sandblasted, was painted and on a truck and away
20 they would go.

21 Q. Okay. Did you ever see what happened to the ash
22 that would be created from the burning process?

23 A. No.

24 Q. Okay. When you were working at New England

1 or two.

2 Q. Do you remember the names of any of the people that
3 you worked with at New England Container?

4 A. My brother, a guy named Eddy Izzo. There was a
5 maintenance man, Mike, there was a guy named Angelo,
6 I think, him and his father-in-law, I can't remember
7 the old man's name. John McCowsky (phonetic) or
8 something like that, he was like the boss. And
9 there are probably more that will flash up in
10 awhile, but right now that's what I can remember.

11 Q. Do you remember Mike's last name?

12 A. No. He worked -- he kind of worked
13 maintenance for both places, that's what the
14 maintenance people did. They kind of floated
15 between both places. There were a couple of French
16 men, too. God, I can't remember their names, but I
17 will in awhile, I'll tell you.

18 Q. Do you remember Angelo's last name?

19 A. Angelo Carbone, I believe, but Angelo didn't
20 work in the barrel shop, I don't believe.
21 Angelo Carbone worked in Metro, in the chemical
22 place. He may have done work done there, the summer
23 that I was there, I don't remember seeing him
24 working in there at all. I think he did a lot of

Page 22

1 the -- he was a truck driver.
 2 Q. Do you remember your supervisor's name at New
 3 England Container?
 4 A. John something with an M. We called him
 5 Cookie, but that wasn't really his last name.
 6 McCowsky, it was a Polish last name, I believe.
 7 Q. Going back for a moment to where you would stack the
 8 barrels once they were unloaded off the truck, where
 9 exactly were the barrels stacked?
 10 THE WITNESS: In relation to the
 11 building?
 12 MS. MAIN: Yes.
 13 A. The building as you drove into the parking lot
 14 was on your left-hand side, there was a river on
 15 your right. Within 100 feet or so, maybe further,
 16 the barrels were -- they ran out from the river side
 17 and ran I guess you can't write that -- they came
 18 diagonal from the river, and they were stacked in
 19 rows, four or five high, however high your strength
 20 allowed you to tip on the day, that depended on the
 21 type of barrels. They weighed different weights,
 22 the gauges, 12, 16, 18 gauge. So the lighter the
 23 barrel, the easier it was for you to stack them.
 24 Q. So the barrels were stacked outside?

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1 A. Yes.
 2 Q. And were they stacked on just the ground?
 3 A. I believe so.
 4 Q. So there was no foundation that you recall?
 5 A. Not that I'm aware of.
 6 Q. Okay. Do you recall what the ground around the
 7 barrels looked like?
 8 A. A mess. It was mucky.
 9 Q. Can you explain that in more detail, Mr. Nadeau?
 10 A. Well, it was on raw dirt and whatever, over the
 11 course of time came out of those barrels was dumped
 12 out of those barrels, that's what the earth was
 13 like. Whatever you stepped in was muck and it could
 14 have been because it was a rainy day and it could
 15 have been any number of things that caused that, but
 16 I'm assuming it was mother earth and whatever
 17 chemicals were part of that storage facility.
 18 Q. And do you remember any smells associated with the
 19 barrel storage area?
 20 A. Like I said, the whole place smelled. There
 21 was no particular smell that I remember.
 22 Q. What type of smell was it?
 23 A. I don't know. I can't equate it to anything
 24 that we would know. They were chemicals, whatever

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1 they happened to be, the dyes or the resins or the
 2 oil, they all had their unique smell.
 3 Q. What type of clothes would you wear to work,
 4 Mr. Nadeau?
 5 A. We used to buy shoes every week at Kmart and
 6 throw them away at the end of the week. You never
 7 took your clothes home because your mother wouldn't
 8 wash them. You wore jeans and whatever you could
 9 throw away at the end of the week when it was hard
 10 because that's what would happen, the clothes got
 11 hard.
 12 Q. Hard meaning hard like a piece of wood?
 13 A. Yes. You would be picking barrels up, and part
 14 of the process is use your hands and legs, so your
 15 knees would be part of that throwing up. So if
 16 there was anything on the barrel at all any kind of
 17 dirt, any kind of dye or ash or whatever, or paint,
 18 that got on your clothes.
 19 Q. Why would you have to replace your shoes every
 20 week?
 21 MR. BINDER: Objection.
 22 MS. MAIN: What's your objection,
 23 Rick?
 24 MR. BINDER: He didn't say he had to

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1 replace his shoes every week, he chose to replace
 2 his shoes every week.
 3 Q. Why did you choose to replace your shoes every week,
 4 Mr. Nadeau?
 5 A. Good shoes, if you bought good boots, they
 6 wouldn't last, leather, because you were wet a lot
 7 of times. So we used to buy plastic shoes at
 8 Wal-Mart, K-mart, or one of those marts, that we
 9 paid \$2 and change a piece, and at the end of the
 10 week you threw them away, it was easier to do that.
 11 Q. So did you feel in your opinion that you had to
 12 change your shoes every week?
 13 A. Well, it was -- yeah. Just throw them away
 14 because they got wet and nasty and fell apart.
 15 Q. Did you ever have any problems with your skin from
 16 working at New England Container?
 17 A. Not at New England Container, no.
 18 Q. Did you have any health problems that you're aware
 19 of from working at New England Container when you
 20 were there?
 21 A. No.
 22 MS. MAIN: Why don't we mark this.
 23 (DEFENDANT'S EXHIBIT 2
 24 MARKED FOR IDENTIFICATION)

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1 MR. NETBURN: What did you mark as
2 Exhibit 2?
3 MS. MAIN: Bates number SBSF 06816
4 and it's a Sanborn map from 1965.
5 Q. Mr. Nadeau, I'm going to show you Exhibit 2, which
6 as I just said is a 1965 Sanborn map. I'd ask you
7 to take a look at that and my first question to you
8 is do you recognize what this map depicts?
9 A. Well, I know it's the Centerdale area. I'm
10 trying to pick out where the heck we were, but yeah,
11 I know it's the Centerdale area.
12 Q. Do you see where you worked at New England Container
13 on this map?
14 A. If I could find Route 44, I could tell you
15 exactly where I was.
16 Q. This is Smith Street here, and here's the river.
17 A. So we would have been over here somewhere
18 (indicating).
19 Q. Do you see where the New England Container facility
20 was, Mr. Nadeau, on Exhibit 2?
21 A. I'm thinking it's here (indicating).
22 Q. What makes you think that, sir?
23 A. Well, because I remember when you came through
24 the driveway, there was parking and stuff on your

1 they were unloaded off the trucks?
2 A. The barrels that were kept were somewhere along
3 the river bank, somewhere along here, rough guess.
4 Q. Would you put a Number 2 in that area, please?
5 A. Yup.
6 (COMPLIED)
7 Q. You mentioned that plastic bags were taken out of
8 the barrels and put in back at the facility; do you
9 recall where that location was?
10 A. It was further away from where the barrels were
11 stacked. Do you want me to put 3 where I think they
12 went?
13 MS. MAIN: Yes. I said some of this
14 would be painfully obvious.
15 A. I believe that's where it was.
16 Q. Okay. And where, approximately, was the burner in
17 the pit/track equipment?
18 A. You know, I'm not 100 percent sure, but I
19 believe it was somewhere -- because the building was
20 longer, things happened to the right-hand side, but
21 I can't think of it was near here somewhere
22 (indicating). I'll put a 4 there.
23 MS. MAIN: Perfect. That's Number 4.
24 A. But that's a rough, I can't remember.

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1 left-hand side. The chemical place was on your
2 right. There was a smaller building like here along
3 the river where the maintenance shop was and where
4 we used to process, when I worked for Metro, we used
5 to process something called reserve salt in that
6 building. Then you went down the road a little bit
7 and Metro -- I mean, the barrel company was a
8 smaller building at the end of the drive.
9 MR. BINDER: Are you going to ask
10 him to show where the here was where he said the
11 barrel company was?
12 MS. MAIN: He said the barrel
13 company was here.
14 MR. BINDER: Are you going to ask
15 him?
16 MS. MAIN: I'm getting there, Rick.
17 You will have your chance, too.
18 MR. BINDER: I just don't want to
19 have any ambiguity.
20 Q. Mr. Nadeau, I'm going to give you a red pen, and I'd
21 like you to put a number 1 by where you believe the
22 barrel company was located on that map.
23 (COMPLIED)
24 Q. Do you recall where the barrels were stacked when

1 Q. Okay. That's fair enough. Now, at some point I
2 believe you said you also worked for Metro-Atlantic,
3 correct?
4 A. That's true.
5 Q. Was that after New England Container?
6 A. Yes.
7 Q. Okay. For what reason did you go from working at
8 New England Container to Metro-Atlantic?
9 A. I think they gave me like 20 cents an hour
10 more.
11 Q. And the time period you were working at
12 Metro-Atlantic was when?
13 A. I think I worked summertime '63, part of '64
14 and into '65 there.
15 Q. Okay. And was that just in the summer again?
16 A. '63 was in the summer. Part of '64. I
17 graduated in '64 from high school, so I went from
18 high school to there.
19 Q. And when you graduated from high school in '64 and
20 went to Metro-Atlantic, did you still work part time
21 at that point?
22 A. No, I was full time at that point.
23 Q. Okay. And were you full time into the year 1965?
24 A. Until August of '65.

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1 Q. Let's start with '63. In the summer of 1963, do you
 2 remember what position you had at Metro-Atlantic?
 3 A. I would help unload the trucks which came in
 4 with any number of things, chemicals used to build
 5 whatever product that they were going to produce,
 6 stuff came in barrels, it came in bags, it came on
 7 pallets. We'd help put that away in the storage
 8 area, and also empty drums that the chemicals would
 9 be put in, fiber drums which are cardboard-type
 10 drums and metal drums. I would work with whoever I
 11 was told to work with and we would blend some of
 12 these things together, pour things into the vats for
 13 whatever product they were making. Somebody would
 14 say take 20 pounds of this, 10 bags of that or 3,000
 15 gallons of this and put it in there.
 16 Q. Do you remember what types of materials you were
 17 handling?
 18 A. Everything from just plain old chunks of wax to
 19 caustic acid, sulfalene (sic) acids, formaldehyde,
 20 something called urea, prilled urea was the name of
 21 it, tons of stuff. Those are the things -- there
 22 was an acid called sulfalene (sic) that was
 23 particularly nasty.

24 MR. BINDER: Move to strike.

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1 Q. Why do you say it was particularly nasty?
 2 A. Well, it was difficult for us to handle because
 3 it came in drums that weighed 6 to 800 pounds. Like
 4 I said, I weighed about 110 at the time. Those
 5 drums had to be pushed up a ramp into a heater so
 6 the product could be taken from the drums because it
 7 thickened, so it had to be kept warm so it could be
 8 drained from the drum to put in whatever product
 9 that they were making. It smoked, it smelled bad
 10 and would burn a hole clean through you.
 11 Q. Did you ever have any holes burned in your clothing
 12 when you were handling that acid?
 13 A. Not that particular one, but I've had holes
 14 burned in all of my clothing, small scars on my arms
 15 and hands and stuff.
 16 Q. And that was from your work at Metro-Atlantic?
 17 A. Uh-huh.
 18 Q. Do you know if any other employees had that same
 19 problem?
 20 A. Oh, I'm sure everybody did.
 21 Q. And why do you say that, sir?
 22 A. Well, you worked around a product that
 23 sometimes, just the fact that you were pouring
 24 something into a vat, something would splash up on

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1 you, or a lot of the stuff was piped through piping
 2 throughout the building. That's how they moved a
 3 lot of this product, they would come in by
 4 thousands of gallons, so it would go along pipe. So
 5 if a pipe leaked or somebody spilled something on
 6 the floor, it would fall through a grid. Something
 7 was always dripping on you.
 8 Q. Okay. These pipes that you're talking about in the
 9 building, can you explain that to me in a little
 10 more detail, please?
 11 A. Some of the products were made in big
 12 quantities and put in storage tanks, and when it was
 13 time for -- when they had an order, they would move
 14 that product, either put it in smaller drums or it
 15 was processed through whatever process, sometimes it
 16 was filtered and then put into drums, sometimes you
 17 handle the same product through different phases.
 18 Q. Okay. And did you ever observe any of these pipes
 19 leaking?
 20 A. Sure.
 21 Q. On more than one occasion?
 22 A. Regularly.
 23 Q. Regularly, okay. When the pipe would leak, the
 24 liquid would go on the floor; is that correct?

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1 A. On the floor or whatever was underneath it.
 2 Q. Okay. And was the spill ever cleaned up?
 3 A. Yeah. Typically what -- I was almost shaking
 4 my head there for a second. We used a lot of water,
 5 there were hoses all over the place. We were
 6 forever washing down the floor or washing down
 7 barrel tops, for a couple of reasons, sometimes
 8 stuff just made the barrels look dirty. It wasn't
 9 harmful, as far as I know. It just made the barrels
 10 look dirty. They wanted to send the barrels out
 11 looking clean. So there was always water being
 12 poured somewhere.
 13 Q. Okay. And if you were washing down the floor with a
 14 hose, do you know where the water and whatever else
 15 was on the floor went?
 16 A. Along the back wall, from what I remember,
 17 there was another waterway behind that building
 18 also. We had French drains in the floor, so
 19 whatever you washed out, went into those drains,
 20 they were about a foot wide, maybe a foot deep, and
 21 it ran along the full length of the basement.
 22 Anyhow, there were no drains upstairs, but those
 23 drains, I believe, went straight out into whatever
 24 that waterway was behind the building.

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1 Q. Okay. And how do you know it went out into the
2 waterway, Mr. Nadeau?
3 A. It had no place to go. It would fill the
4 basement up. It was going somewhere. I believe
5 there was a cut out at the end of one of the walls
6 that took it out to the river.
7 Q. Did you see the cut out?
8 A. You know, I probably did. I just can't
9 remember. I couldn't say for a fact. It's an
10 assumption.
11 Q. Did you see the waterway, you know; did you ever go
12 and look into it that you're referring to?
13 A. Yes, from the back of the building you could
14 see into that waterway. I'm not quite sure whether
15 it was moving water or just back from an inlet from
16 the river. I'm not quite sure about that, or
17 whether it went -- I think it really was moving
18 water that headed towards Johnston.
19 Q. And what did the water look like?
20 A. That particular water there didn't look all
21 that bad because we used to see things in it, fish
22 and turtles in it. So I'm not quite sure if that's
23 a good or bad thing, but there were living things
24 there.

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1 Q. Did you ever see any discolored water?
2 A. There were times when we saw discolored water
3 if somebody washed something down the drain, it
4 would color that waterway.
5 Q. Okay. Do you remember any of the colors that you
6 saw?
7 A. It was just dark, it was a mucky color, gray
8 color, whatever.
9 Q. Do you see that waterway on Exhibit 2?
10 A. I'm guessing that's it right in here.
11 Q. Is that the tail race that you were just pointing?
12 THE WITNESS: That's probably it.
13 Would you like that to be Number 5?
14 MS. MAIN: I would. I'd love that.
15 A. I believe Number 5 is what I was looking at.
16 Q. And the building that you were talking about with
17 the piping system and then the French drains, do you
18 see that on Exhibit 2?
19 A. That was the basement of this big building that
20 was probably -- I can't remember, but I believe it
21 was probably in here somewhere, I'm not really
22 sure. I'd hate to even mark the darn thing, but it
23 was at the end of the building and it was in the
24 basement, that's where the drains were.

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1 Q. Let's mark at least the building generally as 6 if
2 you don't mind.
3 (COMPLIED)
4 Q. Now you've explained to me that in the summer of '63
5 you were unloading the trucks and bringing materials
6 in and pouring things into the vats, did you do
7 anything else that you recall when you were still in
8 high school at Metro-Atlantic?
9 A. That's pretty much what I remember, ransom
10 filter presses, I helped put the product in the
11 vats, the raw materials to create whatever they
12 were -- whatever the product of the day was. That's
13 pretty much it, it was pretty much utility work,
14 they kept me running around, keeping me busy.
15 Q. During your last year of high school, meaning
16 September through May or June did you work at
17 Metro-Atlantic?
18 A. Yes.
19 Q. Was that part time?
20 A. Yes '63 was part time. From '64 to '65 was
21 full time and that was a 56-hour week.
22 Q. And what did you do as a full-time worker at
23 Metro-Atlantic?
24 A. All of the things that I did before, plus at

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1 some point in time they put me on a machine that it
2 was a big dryer-type device and the product was
3 something called reserve salt, and we would take
4 this liquid and run it over a big drum that would --
5 I think it was an old converted potato chip type
6 machine, it would take the product and dry it, and
7 the blade would scrape the product off and would go
8 through a conveyor belt and be dried. The dried
9 chips were then put in the barrel. It was a metal
10 stripper, that reserve salt, from what I remember,
11 and it was sold to industries, to -- whatever metal
12 stripping industries do.
13 Q. Was that dryer device located in the building we've
14 marked as Number 6?
15 A. That was in this building across the street
16 from that. Do you want that to be Number 7 on that?
17 MS. MAIN: Yes.
18 A. The maintenance building was attached to that.
19 Q. And anything else that you did during your full-time
20 position with Metro-Atlantic?
21 A. Ran a lot of the filter presses. I did less
22 unloading. Mostly I drew product from the vats
23 after they were blended, put them in drums, labeled
24 them whatever they were, made sure that they didn't

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1 leak and put them in the storage area to be picked
 2 up and delivered.
 3 Q. During the time of '64 to '65 when you were working
 4 at Metro full time, were you aware of the same
 5 system of washing down the floors and that
 6 wastewater would go into the French drain system?
 7 A. Yes.
 8 Q. Okay. Did Building Number 7 where the dryer device
 9 was located, did that have a basement to it?
 10 A. No.
 11 Q. Do you know if there were any waste materials
 12 created in that process in Building 7?
 13 A. At that point in time it became a finished
 14 product. It came off the conveyor belt. Art Busso
 15 and I, we were the lucky guys that got to work on
 16 that, most of the time most of that product went
 17 straight into the barrels. At that point it was a
 18 finished product. We'd sweep the floor up for that
 19 stuff and put it right in the barrels.
 20 Q. Because what you were sweeping off the floor was
 21 still the finished product?
 22 A. It was still the finished product. The floors
 23 were concrete. There was no trash on the floor. It
 24 was just a product itself.

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1 Q. When you were working at Metro-Atlantic during this
 2 '63 to '65 time period, did you ever see any fires?
 3 A. Many.
 4 Q. Any idea how many, Mr. Nadeau?
 5 A. Small fires, we probably had a half dozen.
 6 Q. Do you remember where any of these fires occurred?
 7 A. The biggest fire that I remember occurred in
 8 the basement.
 9 Q. Building 1? I didn't mean to interrupt.
 10 A. The building with the French drains in it.
 11 Q. So the one we've marked as Building 6?
 12 A. Yes, Building 6 in the basement. What had
 13 happened was it was cold weather, whatever time of
 14 year it was, a truck driver had come in and he had a
 15 space heater that he kept in his truck to keep him
 16 warm, and we had a product called methanol, which
 17 is, I'm assuming, similar to petroleum or something
 18 because it would burn. We had a 3,000 gallon tank,
 19 and this fool thought he was going to fill his
 20 heater with that, and it had a big old valve, took
 21 two man and a boy to turn it, it came out of like a
 22 three-inch pipe, and he foolishly opened it and his
 23 heater was still on and the methanol was pouring out
 24 of there, three inches around straight into the

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1 building.
 2 I was across the street drying the reserve salt
 3 my other brother, Bob, was working there at the
 4 time, he is since gone, but I kicked the door open
 5 and he was standing in a pile of fire with a hose
 6 keeping -- he was just flushing the liquid away from
 7 him, it was light so it just floated on the water.
 8 I grabbed a hose and we washed the fire to the
 9 drain, worked our way to the valve and shut the
 10 valve off.
 11 When you're 17 years old, this was an
 12 adventure, by the way.
 13 Q. I guess so. Did you call the fire department for
 14 that?
 15 A. You know, I don't remember. The fire
 16 department came there frequently. Whether that was
 17 one of the times, I don't know.
 18 Q. Tell me what you recall with the other fires.
 19 A. We had another fire on the second floor just
 20 above that drain area. I'm not sure what caused
 21 that fire, but there was a lot of smoke, and I
 22 wasn't far from it, I'm just not sure what happened,
 23 what caused the fire. It was just smelly, nasty and
 24 smoky.

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1 A guy by the name of Harry Crabtree, he's gone,
 2 too, another name, we left the building via the
 3 second floor through a loading window, we just went
 4 right out of the darn thing and landed in a
 5 dumpster, hit the ground and waited until the fire
 6 department came.
 7 Q. That was an adventure?
 8 A. When you're 17 years old, it's an adventure.
 9 "Hey, guys, guess what I did at work today."
 10 Q. Any other fires that you remember?
 11 A. There was some smaller ones. I know there
 12 were -- the fire department was always in there.
 13 There was an explosion one time and I can't remember
 14 what caused it. Luckily, I had a day off or
 15 something, somebody pumped the wrong chemical into a
 16 storage tank, that already had a product in it. It
 17 sucked a big chunk of the back wall out. The
 18 storage tank was huge, I can't remember how many
 19 thousands of gallons it had. It had probably a three
 20 or four inch cover that was held on by big bolts.
 21 We never did find the cover, it snapped the bolts
 22 and sent the cover somewhere, it sent it somewhere,
 23 we never did find it, don't know where it went. I
 24 know that the company ended up having to paint some

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1 buildings because of the stuff that came out of
 2 there, whatever stuff was in there at the time, I
 3 can't remember what it was.
 4 Q. Did the company have to paint buildings that
 5 belonged to other people?
 6 A. Yeah. It was other people. People made claims
 7 that whatever happened made their houses discolor or
 8 whatever. I really didn't get involved in it. We
 9 just heard about it and laughed about it.
 10 Q. The vats that you're talking about, they were in the
 11 building we've marked as Number 6; is that correct?
 12 A. Some of the vats were inside, some of the vats
 13 that we used for storage were on the outside. Some
 14 of them held thousands and thousands of gallons,
 15 but there was probably six or eight on the inside, I
 16 can't remember the right count. Different things
 17 were made in different containers, different vats.
 18 I'm not quite sure. Some of the products left a
 19 residue that every once in a while they would give a
 20 skinny guy like me a hammer and chisel, lower us
 21 down into that and we'd chip that stuff out.
 22 Q. I was going to ask you if you ever saw the vats
 23 being cleaned in any way?
 24 A. They used to steam them, mostly.

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1 Q. Would the steam then create a liquid?
 2 A. Sure, condensation.
 3 Q. Do you know what would happen with the liquid that
 4 would condense?
 5 A. Sure. They would open the bottom valve and it
 6 ran out on the concrete, down into the French drain
 7 and wherever it was going.
 8 Q. What about the chunks that you would chip out with a
 9 chisel and hammer, what would become of those
 10 chunks?
 11 A. We'd send them up in a bucket, they would put
 12 them in a barrel, that barrel would, most of the
 13 time, from what I remember, those type of things
 14 were thrown into the dumpster, where that dumpster
 15 went, from there -- it was a commercial dumpster,
 16 somebody came and took it away.
 17 Q. Did you see someone come and take it away?
 18 A. I don't remember. I know you're going to ask
 19 me. Some commercial company would come and take it
 20 away.
 21 Q. Did you ever see any landfilling going on on site
 22 when you worked at Metro-Atlantic?
 23 A. No.
 24 Q. Did you see any burying of any type when you worked

1 at Metro-Atlantic?
 2 A. No.
 3 Q. Did you ever hear about any burying on site?
 4 MR. BINDER: Objection.
 5 MS. MAIN: You can go ahead and
 6 answer.
 7 A. The only thing I ever heard was my brother said
 8 that he remembers at one point in time somebody
 9 threw fresh dirt down in the back, but that was the
 10 barrel place, New England Container, but I've never
 11 seen anything buried ever at either place.
 12 (DEFENDANT'S EXHIBIT 3
 13 MARKED FOR IDENTIFICATION)
 14 Q. Mr. Nadeau, earlier we talked about your clothing,
 15 your work clothes. When you worked at New England
 16 Container, what type of work clothes did you wear at
 17 Metro-Atlantic?
 18 A. Same type. We put on a pair of jeans and the
 19 same throw-away issues, once or week or whatever the
 20 right time frame was. We always had a couple pair.
 21 For Metro-Atlantic you stepped on so much stuff you
 22 would find yourself taller than you were, because we
 23 were around corrosive-type stuff, they would get
 24 eaten up along with your clothes. Your clothes got

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1 really hard, you stood them in a corner, throw them
 2 away on a Friday, that type of thing.
 3 Q. Did you see that the other employees would also
 4 change their clothes frequently when they worked at
 5 Metro-Atlantic?
 6 MR. BINDER: Objection.
 7 A. Some of the people subscribed to a uniform
 8 service, I never did that. So a commercial company
 9 cleaned them or replaced them if they were damaged.
 10 Because I was the newer guy, I got a lot of the --
 11 more of the dirty jobs, things were going to stick
 12 to you and make your clothes not reusable. So we
 13 came in in the morning, got out of our real clothes
 14 and got into what we were going to wear for the day.
 15 Q. Okay. Was there a men's locker room at the company?
 16 A. Yes.
 17 Q. Okay. Who was your supervisor when you worked full
 18 time at Metro-Atlantic?
 19 A. There was a guy named Russell Platt.
 20 Q. P-l-a-t-t?
 21 A. I believe that was it and Larry Bellows, and
 22 then for a short time there was another little man,
 23 I think his name was Mike something but I can't
 24 remember. I know -- I can't remember his name. I

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1 think it was Mike something but it might not have
 2 been.
 3 Q. All right. Did you ever complain to any of your
 4 supervisors about the condition of your clothing?
 5 A. No. It was just accepted.
 6 Q. Mr. Nadeau, I've marked an exhibit Number 3, I'd
 7 like you to take a look at that, please. My brief
 8 question to you, I'll give you time to read it, but
 9 my first question to you is do you recognize this
 10 document?
 11 A. It looks like some of the things that I talked
 12 to some heavyset gentleman that came to the house
 13 maybe two years ago.
 14 Q. If you turn to the third page, is that your
 15 signature that appears on Page 3?
 16 A. Sure is.
 17 Q. Would you mind taking a few minutes to read this,
 18 Mr. Nadeau?
 19 A. No.
 20 (PAUSE)
 21 A. Sounds pretty much like stuff I've already said
 22 to you.
 23 Q. Okay. My question, Mr. Nadeau, is this is an
 24 affidavit that you signed in January 20th of 2001,

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1 correct?
 2 A. I don't remember if it was January or not. I
 3 don't remember what -- it was a document that I
 4 signed, yes.
 5 Q. It was approximately a year ago, to the best of your
 6 recollection?
 7 A. A year or two ago, I can't remember, yes.
 8 Q. And you've had a chance to read the three pages of
 9 this document, Exhibit 3, correct?
 10 A. Yes.
 11 Q. Is there anything that you see in that affidavit
 12 today that you find inaccurate? Take your time,
 13 we're not in a rush.
 14 A. I can read pretty fast. It's all stuff that I
 15 said. It's as I remembered it at the time.
 16 Q. Okay. So there's nothing that you see in this
 17 affidavit today that you would like to change?
 18 A. There is nothing blatant that I would put a red
 19 mark across, no.
 20 Q. Thank you very much. Other than your brother,
 21 Mr. Raymond Nadeau, are you aware of any former --
 22 strike that. Other than your brother, Raymond
 23 Nadeau, do you know of any Metro-Atlantic employees
 24 who are still alive today?

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1 THE WITNESS: Still alive today?
 2 MS. MAIN: Yes.
 3 A. Well, I know John Palumbo is still alive;
 4 Walter Murphy is another guy. I don't know whether
 5 Walt and his brother are still around. I think
 6 there is a little man named Johnny Joyal, he may
 7 still be around. I think Larry is gone. I think
 8 there was a Labrie, he was a struck driver, but I'm
 9 not sure, he may be gone now. I was a kid so
 10 everybody seemed old, so and I haven't been back --
 11 I've run into one or two people over the years but
 12 not many. I'm not sure who else may be alive.
 13 Q. Do you remember where Mr. Murphy lived?
 14 A. Walt I believe lived in [REDACTED] I know he
 15 had a summer home [REDACTED] He had a
 16 brother named Buster, they both lived there.
 17 Q. How about any New England Container employees, do
 18 you know any who may be still alive today?
 19 A. Aside from my brother -- my brother, Paul,
 20 worked there, too. He worked in the barrel
 21 company. He's out in [REDACTED] now. I'm not sure.
 22 I really haven't kept in touch.
 23 MS. MAIN: Fair enough. I have no
 24 further questions. Thank you very much, Mr. Nadeau,

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1 some of the other counsel may.
 2 EXAMINATION BY MR. GLOWACKI
 3 Q. Mr. Nadeau, I'm Joe Glowacki, we were introduced
 4 earlier. In the area where materials were dumped,
 5 do you ever recall seeing fires?
 6 MR. BINDER: Objection.
 7 MR. GLOWACKI: What's the objection.
 8 MR. BINDER: I'm not sure what area
 9 we're talking about here.
 10 MR. GLOWACKI: You can answer.
 11 A. The fires I remember were inside. I don't
 12 remember any outside fires. I don't remember any
 13 burials of any sort.
 14 MR. GLOWACKI: I don't think I have
 15 anything further.
 16 EXAMINATION BY MR. AYLWARD
 17 Q. My name is Michael Aylward, just a few questions.
 18 When you worked at New England Container, were you
 19 provided with any protective clothing by the company
 20 for your work?
 21 A. Gloves.
 22 Q. Were they kind of special gloves?
 23 A. No.
 24 Q. Was there an employee safety officer at New England

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1 Container when you were there who was responsible
 2 for protecting workers?
 3 A. No. You took care of yourself.
 4 Q. How about at Metro, were you provided any protective
 5 clothing?
 6 A. There were gloves, rubber gloves, I don't
 7 remember any protective clothing. It was available,
 8 I never sought it out or would have used it anyhow.
 9 Q. When you worked at Metro in 1963 to 1965, were there
 10 any procedures that the company instructed you about
 11 for worker safety?
 12 A. Not that I'm aware of.
 13 Q. Do you recall anyone at Metro warning you about the
 14 caustic effects of the chemicals, that you should be
 15 careful in how you were working with them?
 16 A. Yeah. The boss would always tell you, and
 17 being able to read I knew that caustic acid was not
 18 something you wanted to get on you. By the smell of
 19 most things, you knew you didn't want that on you,
 20 some common sense, and the guys around you said
 21 watch out for that stuff.
 22 MR. AYLWARD: I have no further
 23 questions.
 24 MR. NETBURN: Just a few questions.

1 third floor?
 2 A. Not that I'm aware of because most of those
 3 vats extend -- I believe most of those vats extended
 4 down to the basement, that may not be the case for
 5 all of them, but those are the ones I remember.
 6 Q. I believe you testified that you ran some filter
 7 presses in Building 7; is that correct?
 8 A. That's true.
 9 Q. Were these plate and frame presses?
 10 A. Yes.
 11 Q. Was any type of filter media introduced into the
 12 chemicals?
 13 A. There was a product called 40S, I'm not sure
 14 what 40S did or was, but it had charcoal in it and
 15 we only used one filter for 40S, we didn't use it
 16 for the reserve salt, it had its own filter. 40S
 17 came from -- whatever vat it was coming from through
 18 that filter. We had a drum that it went into and
 19 part of the process of filtering, it was you stood
 20 there and watched it and you had a little sample
 21 flask that you continued to check it because you
 22 were doing other things. Check it every few minutes
 23 to make sure of the clarity, and when it stopped
 24 being clear, you would stop the press because what

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1 EXAMINATION BY MR. NETBURN
 2 Q. Sir, what's your date of birth?
 3 A.
 4 Q. The building that you identified as Number 6 where
 5 there was some vats --
 6 A. Yes.
 7 Q. I believe you testified there was a French drain in
 8 the basement; is that correct?
 9 A. Yes.
 10 Q. How many stories did this building have?
 11 A. Three or four. I can't remember.
 12 Q. Was it open at any part of the building or were
 13 these solid floors?
 14 THE WITNESS: You mean like
 15 stairwells?
 16 Q. Or a catwalk. Did the vats extend more than one
 17 floor up?
 18 A. Yes, they did. They went through floors. Now
 19 that you mention it, there was metal grates behind
 20 them, too, holes in the floor type stuff.
 21 Q. So there were floors but there were holes through
 22 which the vats went?
 23 A. Yes.
 24 Q. Was there any type of drain system on the second or

1 would happen at that point was the filter had pretty
 2 much blown at that point, it had filled up with the
 3 solids from the carbon. The press would have to be
 4 cleaned, you shut the valve, you clean the filter,
 5 and that stuff was -- before you asked was it
 6 shoveled into a drum. What actually happened, when
 7 you pulled the plates apart, it all fell to the
 8 floor.
 9 The bulk of the solids was picked up, shoveled
 10 into a drum, that was dumped into the, for the most
 11 part, into the container, the dumpster, and then at
 12 that point in time you would take a hose, you wash
 13 the -- it had a canvas, as part of the filter frame
 14 had a canvas over that, so you would then take the
 15 hose, wash it all out, more stuff to the floor.
 16 Most of the stuff at that point in time was not a
 17 whole lot -- that went right down the French drain,
 18 away it went. Sometimes we would steam the filter
 19 and start the filter process again.
 20 Q. Now, there were filter presses that you did not use
 21 the 40S with; is that right?
 22 A. Right. That was for the reserve salt, that was
 23 more the metal stripper.
 24 Q. How did that work?

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1 A. Same, pretty much.
 2 Q. Was there a filter media used?
 3 A. Just canvas. I don't know if there was
 4 anything in the product itself. A sludge came out
 5 of it when it was filtered. It was clarified.
 6 Whatever those solids were, I don't know whether
 7 that was put in there on purpose or it was just a
 8 byproduct of whatever was going on.
 9 Q. What happened to those solids?
 10 A. Same process. You were supposed to shovel --
 11 we were directed to shovel it up, put it in a drum
 12 and it would go away. You would put that in bigger
 13 barrels. Typically you put that in metal barrels
 14 because it would get through the fiber drums, it
 15 would bleed through that. We would put it in what
 16 we call drums that were no good, that were going to
 17 get thrown away, anyway, that were banged or
 18 bruised, not fit for resale reconditions.
 19 Q. Those drums were emptied into the commercial
 20 dumpster also?
 21 A. They took them out -- on the second floor there
 22 was an opening, a big opening, it had doors on it,
 23 and you would just walk the drum over and just
 24 rocked it off the cradle and it would fall down into

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1 the dumpster, and they would take it away.
 2 Q. Was the dumpster on the ground?
 3 A. The dumpster was on the ground, yes.
 4 Q. Was it on any sort of foundation or just on the
 5 dirt?
 6 A. It was on the driveway, actually. It was a
 7 hard top, whatever it was.
 8 Q. Did the dumpster leak?
 9 A. Oh, I never paid any attention to it, to tell
 10 you the truth.
 11 Q. Did you ever see colored chemicals or liquids around
 12 the dumpster?
 13 A. I said, I never noticed it. I didn't look for
 14 it. In that dumpster were empty bags from the
 15 chemicals, plastic bags, rubber gaskets, trash and
 16 whatever else we threw into it, the filter
 17 shovelings.
 18 Q. How often were the dumpsters emptied?
 19 A. Don't know.
 20 Q. I believe you testified that you saw many fires
 21 while you were at Metro-Atlantic and you also
 22 testified that one of them dealt with a
 23 petroleum-based product?
 24 A. Methanol. Whatever methanol is. It would

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1 burn, and it burned hard.
 2 Q. Were these other fires that you saw -- strike that.
 3 The other fires that you saw, what was on -- what
 4 was ignited?
 5 A. I'm not sure. I don't remember. There were
 6 lots of small fires. What created those fires, I
 7 don't know.
 8 Q. Would they have been chemical fires?
 9 A. That would be the logic, yeah.
 10 MR. NETBURN: Thank you, sir.
 11 (OFF THE RECORD)
 12 (BRIEF RECESS)
 13 EXAMINATION BY MR. BINDER
 14 Q. Mr. Nadeau, during the recess did you remember the
 15 names of any other former employees of either --
 16 A. Just that one guy named Ray Williams, I
 17 remembered his name.
 18 Q. Which company did he work for?
 19 A. He worked for Metro-Atlantic.
 20 Q. Do you know where Mr. Williams lives?
 21 A. No. I haven't seen Ray since '65. He may be
 22 in a better place than this.
 23 Q. Let's hope not. Now, during the time when you were
 24 working for Metro-Atlantic, one of the products you

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1 worked with was the metal stripping that you
 2 described?
 3 A. 40S -- reserve salt.
 4 Q. Do you recall any other products that you worked
 5 with while you were at Metro-Atlantic?
 6 A. We made some waterproof materials, products, I
 7 think it was AcoSoft, A-c-o-s-o-f-t, I believe, PE.
 8 and something called Rainpel.
 9 Q. What was Rainpel?
 10 A. It was a waterproofing agent that they put on
 11 things like raincoats like, you know, your raincoat,
 12 beaded up the water.
 13 Q. What was AcoSoft?
 14 A. AcoSoft PE, that was another water repellent.
 15 Same thing, I guess. It had a wax base in it.
 16 Q. What did customers of Metro-Atlantic use the reserve
 17 salt for?
 18 A. Don't know.
 19 Q. What was its intended use?
 20 A. It was a metal stripper.
 21 Q. Were the AcoSoft and Rainpel made in the same
 22 building as the reserve salt?
 23 A. Yes.
 24 Q. When you were at Metro-Atlantic, did Metro-Atlantic

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1 make any soaps?

2 A. You know, they may have, I think, in fact, they

3 did. I just can't remember for sure.

4 Q. When you were -- is it your best recollection that

5 Metro-Atlantic did make a soap?

6 A. I think they did, but I can't put a name on

7 it.

8 Q. Do you recall a product called hexachlorophene?

9 A. Hexachlorophene was a product that they started

10 working with and there was a smaller out building on

11 the end of, probably this building right here, we

12 lovingly called it the Texas Tower because there was

13 a ladder-type stairway. They used hexachlorophene

14 in that building for some product, and I'm not quite

15 sure what product that was. I kept thinking

16 hexachlorophene, I used to equate it to toothpaste

17 or something like that. But that was a very sterile

18 environment, and only a few people worked in there,

19 and I never worked in that building at all.

20 Q. Could you mark off the next number in sequence?

21 (COMPLIED)

22 A. Which is Number 8, I believe that's the

23 building.

24 Q. That's the building where the hexachlorophene was

1 A. Other employees, yeah.

2 Q. Now, in addition to the hexachlorophene and the

3 reserve salt and the Rainpel and the Acosoft, do you

4 know any other products that Metro-Atlantic made?

5 A. Nothing comes to mind. I'm sure they will when

6 I get on down the road, but I won't call you back.

7 Q. You earlier mentioned there was the explosion of the

8 3,000 gallon tank?

9 A. It wasn't an explosion, it was a running fire,

10 it was just fire coming out of the nozzle.

11 Q. And how did you learn about that?

12 A. I think the fire alarm went off, I was across

13 the street. I remember kicking the door down,

14 running through -- my brother was standing, like I

15 said, in the middle of a fire. I grabbed the --

16 there was a fire hose right there when you came

17 through the door, I got the pressure going, worked

18 my way to my brother, we kept moving the fire away

19 from us. We got to the nozzle and shut it down and

20 moved the fire out of the building, just moved the

21 liquid right out of the building.

22 Q. Which one of your brothers was that, I forget?

23 A. My brother, Bob; he's gone now.

24 Q. You were the youngest of your brothers?

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1 made?

2 A. I believe that's a true statement.

3 Q. Was hexachlorophene made in that building through

4 the time you were employed at Metro-Atlantic?

5 A. I don't think it was -- I think it was near the

6 end of my employment with them. I'm not quite sure

7 how long that went.

8 Q. Was it ongoing when you left?

9 A. It was going when I left.

10 Q. Can you give us a reasonable approximation about how

11 long that product was being made before you left?

12 A. I was there about a year full time, I'm

13 guessing maybe eight, nine months maybe. It wasn't

14 there full time -- I just can't remember. I know it

15 was there for a good eight months anyhow.

16 Q. Were you -- did you ever see the process by which

17 the product was made?

18 A. No. There were two people that worked there,

19 Harry Crabtree and Harry is gone, and there was

20 another gentleman whose name escapes me.

21 Q. And how did you learn that hexachlorophene was made

22 in that building?

23 A. We talked about it.

24 Q. Other employees told you?

1 A. No. My brother Paul in [REDACTED] is the

2 youngest.

3 Q. Did you have a brother who once lived in [REDACTED]

4 A. He may have lived in [REDACTED] He was in the

5 military for 20-something years. They moved him

6 around.

7 Q. You also mentioned there was an explosion of a

8 storage tank?

9 A. Yes.

10 Q. How did you learn about that?

11 A. I wasn't there. I was told about it by my

12 brother and maybe Russell, Russell Platt, I think

13 his name was.

14 Q. Which brother told you about this?

15 A. My brother Bob.

16 Q. Now, at Metro-Atlantic were there any storage tanks

17 outside of the buildings?

18 A. On the backside on this other waterway there

19 was a small piece of land just before the water,

20 there was some big tanks outside of the building on

21 the backside of that Number 6 building.

22 Q. Could you mark with the number 9 where the tanks

23 were located?

24 A. There were multiple ones, but they were along

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1 this building here and here (indicating).
 2 Q. So, it was extending some distance in each direction
 3 from where you wrote the Number 9?
 4 A. Yes. Two or three. I remember going out on
 5 top of them and opening up the covers.
 6 Q. You said, to your best recollection, there were two
 7 or three tanks there?
 8 A. I believe there were several.
 9 Q. Was that the only place outside of a building where
 10 tanks were kept at Metro-Atlantic?
 11 A. From what I can remember.
 12 Q. All we can do is ask the best you can remember.
 13 A. I'm trying to give you the best I remember.
 14 Q. We appreciate that. And do you recall what was
 15 stored in those tanks?
 16 A. One of the tanks had a product that was a fish
 17 oil, it had a funny name, it was n-methol taurine,
 18 and it was some sort of fish oil, and I think that
 19 may have been one of the products used in the water
 20 repellents, I'm not sure, but I remember the product
 21 because the name was so darn unique.
 22 Q. Would you happen to recall anything else that was
 23 kept in either of those tanks?
 24 A. One of those tanks was caustic acid, I think

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1 that was like the three or four, 5,000 gallon tank,
 2 and they delivered that on the front of Building 7.
 3 It was transported through a pipe that went through
 4 the building, dropped into the tank out back.
 5 Q. And what was the approximate size of the first
 6 tank, the one with the fish oil?
 7 A. I think that was 2 or 3,000 gallons, just
 8 guessing, don't remember. It would come in in a
 9 tanker truck.
 10 Q. Was there -- do you recall whether there was any
 11 other tank there for any other product?
 12 A. I don't know whether reserve salt was stored in
 13 bulk. Like I said, there were several tanks out
 14 there. I think -- those tanks would store any
 15 number of things. When it was empty, you could
 16 store anything in there. Like I said, they steamed
 17 them out in preparation for something else going
 18 into them. There were several out there. Reserve
 19 salt, I think was stored out there very early.
 20 Q. That was in one of the outdoor tanks?
 21 A. I think.
 22 Q. When the reserve salt was going to be delivered, was
 23 it pumped to a truck?
 24 A. No. The reserve salt went out in powder form.

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1 We -- in that other building, Building 7, it was
 2 delivered via liquid and it was dried on the drum,
 3 put in barrels and away it went to wherever it was
 4 going.
 5 Q. Was formaldehyde stored in the bank?
 6 A. Formaldehyde was -- I think formaldehyde was in
 7 barrels, I can't remember, but I believe it was in
 8 barrels.
 9 Q. Do you know where the barrels of formaldehyde were
 10 kept?
 11 A. They were kept on one of the storage floors,
 12 second or third floor. I think maybe the third
 13 floor.
 14 Q. Which building?
 15 A. Building 6. We also had another building that
 16 was close to the market, now that I'm thinking about
 17 it called Sweets, which was the name of some person
 18 that I think they leased the building from, I'm not
 19 quite sure of the relationship, but we kept a lot of
 20 empty drums, fiber drums and non-chemical things in
 21 that storage facility.
 22 Q. "We" you're talking about Metro-Atlantic?
 23 A. Yes.
 24 Q. And could you mark the location of that?

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1 A. There's the furniture store, I can't remember.
 2 I'm guessing somewhere in here, but I'm not sure
 3 (indicating).
 4 Q. Are you going to mark that Number 10, please?
 5 A. I did. But that's 10 with a question mark. I
 6 know it was -- from the street, there was a market
 7 in the old days that used to be a Stop & Shop or
 8 something, but it abutted that parking lot. It was
 9 a small building attached to it.
 10 Q. Was it a furniture store at the time?
 11 A. It could have been. We were only in the
 12 basement part of it.
 13 Q. That was abutting a supermarket?
 14 A. Yes.
 15 Q. You described in response to some questions the way
 16 the tanks in which the reserve salt were made was
 17 cleaned?
 18 A. Yes.
 19 Q. Were you given instructions on how to carry out that
 20 cleaning?
 21 A. Yes. Go down inside the tank, "Joe, here is a
 22 chisel, here's is a bucket, chip it off."
 23 Q. One of your supervisors gave you that instruction?
 24 A. Yes. They gave a big fan to flow fresh air

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1 down to us, fresh air from the factory. We also had
2 to go down there to replace the agitator blades
3 every couple of months. Reserve salt would eat that
4 right off.

5 Q. After -- in addition to chiseling off the material
6 in the tanks, you testified that material in the
7 floor was collected and put into barrels?

8 A. Yes.

9 Q. And then into a dumpster?

10 A. It went to a dumpster, as far as I know, yes.

11 Q. Were you given instructions about cleaning the floor
12 and collecting everything and putting it into
13 barrels and in the dumpsters?

14 A. I was the little guy. I was in the tank. I'm
15 just assuming that that was the edict. I know it
16 was going into drums. I was sending it up in a
17 five-gallon bucket, you would hear it clang in the
18 bucket. It was a whole day job. You spent the
19 whole day in the tank. It wasn't a fun day.

20 Q. How long did that process take place?

21 A. It was months between times that we ended up
22 doing that. So I probably did it, in that year,
23 three times.

24 Q. Now, there was a vat in which the reserve salt was

1 Johnny Joyal worked in that same corner of the world
2 with him.

3 Q. Okay. Have you marked that location?

4 A. Marked that as 11, and that's a rough guess.

5 Q. Now, are there any other areas where Metro-Atlantic
6 made its products?

7 A. The main building, like I said, where I was,
8 there was like Johnny Joyal and Bill Daley's area.
9 Across the street where the reserve salt was and the
10 building that we lovingly referring to as the Texas
11 Tower where the --.

12 Q. Where the hexachlorophene was made?

13 A. Hexachlorophene.

14 Q. Were you familiar with the way in which the
15 manufacturing areas, other than the building in
16 which you worked, were cleaned?

17 A. Either they were washed down or steamed down,
18 or if it was powder, you swept it up, you put it in
19 a fiber drum that eventually got tipped into the
20 dumpster and taken away along with any barrels that
21 the raw materials came in, or bags, I'm sorry.

22 Q. At the time you were working in the area with the
23 manufacturing of the reserve salt and the cleaning
24 of that area, at that point in time did you expect

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1 made; is that correct?

2 A. The reserve salt wasn't always made in the same
3 vat, but it was made in a vat, yes.

4 Q. Roughly how many total vats were used in the
5 manufacturing of the chemicals?

6 A. I'm thinking there were three or four in the
7 building that I spent most of my time in.

8 Bill Daley, here's another name for you. Bill Daley
9 up closer to the office part of the building, he
10 made some stuff. He might have been the guy making
11 the soaps that you mentioned. I'm not quite sure
12 what Bill did, but he had smaller tanks, I'm
13 guessing they were less than 1,000 gallon tanks,
14 they were smaller tanks.

15 Q. Where did you say the operations under Bill's
16 supervision took place?

17 A. He was further up in the building, I'm not
18 quite sure. I'm guessing right up in here
19 (indicating). He was closer -- he was in the
20 basement level near the shipping dock, you know,
21 left or right of that. There was an office, there
22 was a shipping dock and somewhere in that lower
23 level of the shipping and receiving area is where
24 Bill Daley had his little group, and a guy named

1 that there would be any harm caused by the way in
2 which the product was manufactured and cleaned?

3 MS. MAIN: Objection.

4 THE WITNESS: Harm to what?

5 MR. BINDER: Harm to the environment
6 of any kind?

7 MS. MAIN: Objection.

8 A. No.

9 Q. At that time did you expect there would be any
10 injury to the environment that would take place as a
11 result of those activities?

12 MS. MAIN: Objection.

13 A. I didn't have any expectations at all, to tell
14 you the truth. We just did what we did. The town
15 and the State didn't come in and say we were doing
16 something wrong.

17 Q. Were you aware of any laws or regulations that --
18 require?

19 A. At 17 years old I never thought about the law,
20 except for speeding tickets.

21 Q. Did the Town and State officials come by the plant
22 from time to time?

23 A. Only at election time.

24 Q. So, once during the time you were employed there?

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1 A. They came through a couple times a year at
 2 election time and shake your hand and you counted
 3 your fingers after they left, and that was the end
 4 of it.
 5 Q. When you were working at Metro-Atlantic, did any
 6 inspectors come by to look at the plant area?
 7 A. I wouldn't have known.
 8 Q. Did you see anybody who told you they were from an
 9 insurance company?
 10 A. I don't remember.
 11 Q. While you were at Metro-Atlantic did you ever file a
 12 Workers' Comp. claim?
 13 A. I got hurt a few times. I don't think I ever
 14 filed a claim.
 15 Q. To your knowledge, did Metro-Atlantic have a
 16 Workers' Compensation insurer when you were there?
 17 A. I don't know. Like I said, we didn't care, it
 18 was a job. You took your money and went home at the
 19 end of the day.
 20 Q. Did you know who the insurer was for Metro-Atlantic
 21 while you there?
 22 A. Didn't know if they had one.
 23 Q. Now, when you hurt yourself, did you report the
 24 injury to anybody?

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1 A. We had a nurse, I can't remember her name, and
 2 the head chemist, they had an office somewhere up
 3 over the office complex. They just put my fingers
 4 back together and sent me back to work.
 5 Q. Do you know the names of any of the office employees
 6 at Metro-Atlantic?
 7 A. There was a secretary, her name was Maryann,
 8 she's the only one I can remember. George was the
 9 chemist, I can't remember George's last name.
 10 That's it, it was a small office staff. I think
 11 Maryann was kind of the cook and bottle washer. She
 12 kind of did all the accounting and all that other
 13 stuff.
 14 Q. Do you happen to know Maryann's last name was?
 15 A. Oh, no. She was a middle aged lady then, so
 16 you didn't remember. There was a young girl, now
 17 that I think of it, but I don't remember much about
 18 her at all. I don't know what she did. I just
 19 remember seeing her there. We pretty much stayed
 20 down in the basement where we belonged.
 21 Q. You would pretty much report to Larry Bellows or
 22 Russell Platt?
 23 A. Yeah. Those two guys were pretty much the guys
 24 that fetched us and told us what to do.

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1 Q. Was there ever a union at Metro-Atlantic?
 2 A. There was talk of a union and some voting going
 3 on, and it never came to be, for whatever the
 4 reasons.
 5 Q. Now, in response to a question Ms. Main asked, she
 6 asked you whether you ever saw the water in the tail
 7 race discolored?
 8 A. Yes.
 9 Q. How frequently, if at all, did you notice any
 10 discoloration of the water?
 11 A. I had little opportunity to look out that
 12 window. Most of the time when you were there, they
 13 got their nine or ten hours a day out of you. I was
 14 pretty busy, unless I had to eat. The only chance I
 15 would get to see it, if I happened to be unloading
 16 one of the kettles, the vats and needed to breathe,
 17 stick your head out the window and get some fresh
 18 air.
 19 Q. Was it your recollection that after it was
 20 discolored, it would quickly return to its ordinary
 21 color?
 22 MS. MAIN: Objection.
 23 Q. Let me reframe the question. Did you see whether
 24 after the water was discolored, it returned to its

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1 previous color?
 2 MR. NETBURN: Objection.
 3 Foundation.
 4 A. I didn't spend a whole lot of time, so I have
 5 no time frame when the color, discoloration issue
 6 went away. Like I said, initially I saw times when
 7 it was mucky, but things lived there, turtles and
 8 fish lived there at the time.
 9 Q. Did you think the turtles or the fish would be
 10 affected at all by any of the activities that were
 11 going on at Metro-Atlantic?
 12 MS. MAIN: Objection.
 13 A. They were there. Whether it would be an effect
 14 or not, they didn't have three heads, you know, they
 15 looked like they were doing their thing. They were
 16 normal-looking fish and turtles. What the long-term
 17 effect was, I never gave it a thought.
 18 Q. You mentioned that you've changed and discarded your
 19 clothes fairly frequently while at Metro-Atlantic?
 20 A. Yes.
 21 Q. Was that because of dirt?
 22 MS. MAIN: Objection.
 23 Q. What was the reason you changed and discarded your
 24 clothing while you were at Metro-Atlantic?

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1 A. Because there were a lot of products that got
 2 on them, resins or your clothes got hard. If I
 3 brought them home, my mother would beat me to death;
 4 she wasn't about to wash that stuff. You just throw
 5 it away, you didn't want it in with your other
 6 clothes. It wasn't going to soften up or come
 7 clean.
 8 Q. So they were hard and dirty?
 9 A. They were hard and they were dirty.
 10 Q. And the shoes would get dirty also?
 11 MS. MAIN: Objection.
 12 A. The shoes would grow throughout the day as you
 13 stepped in whatever you were stepping in, it built
 14 up on the bottom of your shoes, or acid would fall
 15 on them and eat the laces. They were cheap, plastic
 16 two dollars and cent shoes from Kmart or Wal-Mart or
 17 one of those mart places.
 18 Q. Could you turn for a minute to your affidavit that's
 19 Exhibit 3. If you look on the second page,
 20 Paragraph 6, if you look through six lines down, it
 21 refers to a series of filters. Are you able to read
 22 what the word is before "filters"?
 23 A. Cooked. After it was cooked it was filtered.
 24 Q. After it was cooked it was filtered through a series

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1 of -- what is the word before filters?
 2 A. It should be canvas.
 3 Q. I just wanted to make sure. Your statement says
 4 that drippings from the filter were recycled; is
 5 that correct?
 6 THE WITNESS: Drippings from the
 7 filter?
 8 Q. Yes. If you keep reading in your affidavit, it
 9 says, "After it had been cooked, it was filtered
 10 through a series of canvas filters, drippings from
 11 the filters were recycled."
 12 A. We had -- underneath each filter press, I
 13 forgot about that, under each drip press was a big
 14 metal tray and we would -- I can't remember how I --
 15 I would imagine it was pumped out back into the
 16 tank, but I can't remember how that whole process
 17 worked, but under each filter press there was a big
 18 catch basin on wheels, a big cumbersome monster. So
 19 when that filter press was together, all of the
 20 panels with the canvas, it was a big screw type
 21 device that kept these plates together, and I can't
 22 remember how we did that anymore, but it put
 23 pressure on those plates to keep it from seeping a
 24 certain amount of fluid because the pressure in the

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1 canvas would seep through and it would go into those
 2 drip pans. Those drippings were pumped out of
 3 there, and I think went back through the process. I
 4 can't remember for sure. But it wasn't that -- that
 5 drip pan was not emptied and poured on to the
 6 ground, if that's your question.
 7 Q. Whatever collected in the drip pan was then pumped
 8 to a tank?
 9 A. Was reused in some fashion. How we did that, I
 10 can't remember. We had to pull that big mess out in
 11 order to drop the waste from the filter to clean it
 12 so we had to pull the big heavy tray out.
 13 Q. You pulled the heavy tray, is the drip pan
 14 underneath?
 15 A. The drip pan, yes.
 16 Q. And it was a pump that removed the --
 17 A. I can't remember how we did it. I can't
 18 remember -- I'm assuming logic dictates that it
 19 would be some sort of pump we did that with, but I
 20 can't remember.
 21 Q. Then your affidavit says what remained in the tank
 22 was a black sludge which was --
 23 A. What remained in the filter.
 24 Q. Is a black sludge, then it says dumped from the tank

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1 and on to the floor of the plant?
 2 A. We pulled the plates apart in order to get at
 3 the sludge. So you pull the big plates back, they
 4 were on -- they were three or four inches thick,
 5 they had a big metal handle on them. If you had
 6 help, it was easier, but you would pull one side
 7 apart and go to the other side and the sludge would
 8 fall to the ground.
 9 Q. What happened to the sludge after it fell to the
 10 ground?
 11 A. You shoveled it into a barrel and it got
 12 eventually dumped into the dumpster and whatever the
 13 residue on the ground was, that got hosed into the
 14 drain and went to wherever it was going in America.
 15 Q. Now, in Paragraph 8 of your affidavit, you refer to
 16 the product Rainpel, which was the product you
 17 talked about earlier?
 18 A. The Rainpel is part of the water repellent
 19 stuff they put on fabric.
 20 Q. Did you see the process by which that product was
 21 made?
 22 A. I kind of think -- I can't remember whether we
 23 made that or Bill Daley's area made the rain
 24 products. I can't remember. Some of the things

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1 that we did were by steps, you know, one phase was
 2 one time and another phase was done at another
 3 time. I can't remember.
 4 Q. Okay. Forgive me if I've asked you this, but do you
 5 know whether or not Mr. Daley is alive?
 6 A. Bill had some miles on him then. He would be
 7 very old.
 8 Q. Was he older than John Joyal?
 9 A. I think Johnny is ancient. I think you're
 10 going to get to talk to him. I saw him a couple
 11 years ago. I think Johnny was around -- he was a
 12 tough little man.
 13 Q. It's your best guess that based on his age Mr. Daley
 14 is no longer alive?
 15 A. I'm guessing. Well, in those days, like I
 16 said, I'm 17, 18 years old, he didn't have any hair,
 17 so I said how long can the man live, you know.
 18 Q. In Paragraph 7 you mention the product called
 19 sulfane (sic), it was used in making reserve salt?
 20 A. Sulfane, that's the product I told you that
 21 came in in drums that weighed 6 to 800 pounds. It
 22 came in red and black or orange and black drums,
 23 nasty stuff.
 24 Q. You mentioned in the affidavit it would burn holes

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1 in the workers' skin?
 2 A. Yes, it would.
 3 Q. Would happen only if there was a leak or something?
 4 A. Well, it could splash.
 5 Q. Yes, leak or splash?
 6 A. Yes. Leak or a splash. What I remember about
 7 that process working, it was only one or two guys
 8 that handled that in the initial production process,
 9 we would take the drums out of the oven, and I think
 10 Russell did a lot of that, and there was another
 11 gentleman, whose name I can't remember, he was
 12 hoisted to the ceiling and a stainless steel
 13 flexible type hose was attached to it and it would
 14 go down into the vat and it was -- they had a
 15 control as to how much would go into the vat at any
 16 particular time. It was metered somehow, number of
 17 turns on a valve or something. I'm assuming that
 18 there was a reason for that, maybe they just didn't
 19 want too much going in there because of the effects
 20 of it during the blending process, I don't know.
 21 But when they disconnected that connector, that
 22 stuff would drip out of there. As a normal course
 23 of anything else, there is always a little left
 24 behind, and wherever it fell, there was going to be

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1 a hole, it was going to smoke, it was going to
 2 stink, it was going to be nasty.
 3 Q. So it would fall on the floor as a result of the
 4 leaks?
 5 A. It would fall on the floor. It would fall
 6 on -- I can't remember whether they had a mat or
 7 anything under that. I can't remember. I do know
 8 there was a neutralizer station there. They had an
 9 eye wash station there, something else in case that
 10 stuff got on you. You were instructed if it fell on
 11 you, don't try to wipe it off.
 12 Q. What would you do if it fell on you?
 13 A. You ran and rinsed it off right away. It
 14 foamed, your skin just started to melt.
 15 Q. And who instructed you what to do in the event
 16 that --
 17 A. That was George, the chemist, I believe, or it
 18 could have been Russell or one of the -- but I
 19 remember getting the story if it falls on you, don't
 20 touch it because now you've got it here and you put
 21 your hand on it, you've got it on your hand, too.
 22 So we ran to the sink and we flushed it off.
 23 Q. Would George's last name be Hughes?
 24 A. Could be. I can't remember.

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1 Q. All I can do is suggest and see whether or not you
 2 can remember.
 3 A. I remember George as being an absent-minded
 4 professor type character. I don't even know if
 5 George is around anymore.
 6 Q. What do you mean by an absent-minded professor type
 7 character?
 8 A. Glasses sliding down his nose and thin hair.
 9 He was geeky to us in those days, that's the type of
 10 guy he was; talked in formulas.
 11 Q. Do you recall any of the other chemists that were
 12 there, any other chemist there, in addition to
 13 George?
 14 A. I don't remember. George was the guy I
 15 remember seeing the most.
 16 Q. Now, Metro-Atlantic had a business location; is that
 17 right?
 18 MS. MAIN: Objection.
 19 A. They had a building I worked in and it had an
 20 office there.
 21 Q. They had an office. Did the office have a sign with
 22 the name of the company?
 23 A. Yes, I believe so.
 24 Q. Did the barrel company have an office?

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1 A. There was an office where Bernie would sit,
 2 yes.
 3 Q. Did the office -- excuse me, did the barrel company
 4 have a sign with its name?
 5 A. I don't remember. I don't remember.
 6 Q. When you worked for Metro-Atlantic, did your
 7 paychecks come from Metro-Atlantic?
 8 A. I'd like to say yes, but I'm not 100 percent
 9 sure.
 10 Q. It's your best recollection?
 11 A. It would be a logical assumption.
 12 Q. When you worked for the container company, did the
 13 barrel company -- did the barrel company issue you
 14 your checks?
 15 A. You know, I can't remember. I'm thinking we
 16 had to go up front to get them, but I'm not sure
 17 because there was an incestuous relationship
 18 anyhow. There were brothers, I believe, that owned
 19 both complexes, I think they were Buonannos that
 20 owned both of them.
 21 Q. Do you know whether the two companies had different
 22 telephone numbers?
 23 A. Don't know. I never called.
 24 Q. Did the barrel company have trucks?

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1 A. There were trucks. I don't know who they
 2 belonged to.
 3 Q. Now, were you aware of any other companies besides
 4 the barrel company that was in the business of
 5 reconditioning barrels?
 6 A. I'm sure that we had competitors, but I'm not
 7 sure. I know the barrels came from all over the
 8 state.
 9 Q. Now, in earlier questions there was some reference
 10 to possible dumping of barrels when they were in
 11 line to go on the conveyor to be reconditioned?
 12 A. Yes.
 13 Q. You mentioned dumping, was that turning the barrel
 14 upside down?
 15 A. Yes, sir.
 16 Q. And if there was something in the barrel, would it
 17 come out?
 18 A. You would hope so.
 19 Q. If there was nothing in the barrel, nothing would
 20 come out?
 21 A. Nothing would come out.
 22 Q. So dumping was nothing more than turning the barrels
 23 upside down?
 24 A. Turning the barrel upside down, for whatever

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1 the reason, to get whatever was in there out of
 2 there, for several reasons, Number 1, I'm assuming
 3 you didn't want that whatever was in there, if it
 4 was a flammable substance, not to create an even
 5 bigger flame on that train, because I saw barrels
 6 come through there with whatever was in there still
 7 on fire. We'd get it out of the building, shovel it
 8 out and it also made the barrel cleaner when it got
 9 inside.
 10 So, you just dumped out whatever was there on
 11 to the preburn and up on to the tramway. It would
 12 go and go through the burn station, come out the
 13 other side of the building.
 14 Q. Did you think that the process of turning the
 15 barrels over before they went into the furnace would
 16 cause any kind of injury or harm to the environment
 17 at the time you were working there?
 18 MS. MAIN: Objection.
 19 MR. NETBURN: Objection.
 20 A. Didn't know what was in there.
 21 Q. Did you think whether it did you have any
 22 expectation that it would cause any injury --
 23 MR. NETBURN: Objection.
 24 A. The only injury I thought of was fire, and

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1 that's whatever you had in there shouldn't have put
 2 the stuff on the belt, that was the only concern I
 3 had.
 4 Q. Would the likelihood of fire be increased or
 5 decreased by inverting the barrels before they went
 6 into the furnace?
 7 A. It should decrease it because it didn't go
 8 through the fire.
 9 Q. Did you have any knowledge of what happened to the
 10 contents of the pit that was in the barrel company
 11 facility?
 12 A. I believe that pit was cleaned out periodically
 13 as needed, I'm guessing, and it had to be put in
 14 some sort of barrel or container to get taken away
 15 to wherever it went.
 16 Q. Did you participate in that activity or see anybody
 17 doing it?
 18 A. No. I knew it had to be done, and there was a
 19 guy another name, a guy named Albert Larashall
 20 (phonetic), Bud Larshall, he may be long gone
 21 because he had some miles on him there. He was the
 22 poor guy that pretty much fed that barrel -- feed
 23 into that burner.
 24 Q. Is he the one that fed the barrels into the burner?

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1 A. Yes. There was another guy, now that I
2 remember, a guy named Anthony, Anthony, can't
3 remember his name, but him and his father-in-law or
4 whatever worked in the part of the reconditioning
5 part where they pounded the barrels into shape. You
6 know, it went through a machine that rolled that rim
7 that you see on the barrels, the center rings, him
8 and whatever, Anthony, and somebody else. But there
9 was a relationship there, a marriage relationship
10 between those two guys.

11 Q. Other than the going back to Metro-Atlantic, other
12 than the fire with the tank containing methanol and
13 the explosion of the tank, did you see any instances
14 in which large quantities of liquids came out of the
15 tank?

16 A. That came out of the tank and didn't go to some
17 useful place? No. They didn't -- as far as I know,
18 they never purged the tanks and just dumped whatever
19 was in there down the river.

20 Q. Did you see any occasions in which -- any other
21 occasions in which a tank burst or there was a
22 visible leak from a tank?

23 A. The tanks, especially the reserve salt tanks,
24 the piping, particularly, was prone to leaking

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1 because the product itself was a metal stripper, it
2 was doing its job at that point in time, it ate
3 through metal. They had stainless steel agitator
4 blades, and it would eventually eat through those
5 guys.

6 Q. These agitator blades were where?

7 A. Inside the tank. But you would pour the raw
8 materials either through hoses or through a vent, a
9 hatchway, down into these vats with the agitator
10 turned on, just kind of blended it all together.
11 Sometimes that was done under heat, sometimes under
12 pressure, sometimes you pumped one tank under
13 pressure to another tank under less pressure, for
14 whatever the reasons were.

15 Q. Did you ever see holes in the pipes or the tanks and
16 liquid escaping through those holes?

17 A. Sure.

18 Q. What?

19 A. All the time. It was a common thing. It
20 wasn't -- huge leaks were very seldom because the
21 product was money but, yes, there was leaks.

22 Q. Did you recall any occasion where there were huge
23 leaks?

24 A. No.

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1 Q. Do you recall whether there was a product called a
2 weed killer or other pesticide that was made at
3 Metro-Atlantic?

4 A. Don't ring any bells. It's not something I
5 remember.

6 Q. Did you ever see people fishing in either the tail
7 race or the river near Metro-Atlantic?

8 A. Not something that I remember.

9 Q. I think you mentioned there was an employee named
10 Angelo Carbone that worked at Metro-Atlantic?

11 A. Yes.

12 Q. And was he your brother Ray's brother-in-law?

13 A. Yes, he is.

14 Q. Do you speak to him from time to time?

15 A. Angelo, no. I didn't like him.

16 Q. Do you recall an occasion in which Angelo, while he
17 was working at the chemical company, opened up a
18 wrong valve and product spilled into the river?

19 A. I don't recall that.

20 Q. Okay. Anybody tell you about that?

21 MS. MAIN: Objection.

22 A. It's not something I remember.

23 Q. Okay. Fair enough. I'm trying to see whether or
24 not you do.

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1 A. No, I don't remember.

2 Q. In your affidavit that's Exhibit 3, whose
3 handwriting is on that affidavit?

4 A. The signature is mine.

5 Q. I understand. But the rest of the affidavit was
6 that prepared by you or by somebody else?

7 A. That's way too neat for me. That was the
8 chubby gentleman who came and interviewed me on that
9 day.

10 Q. Did you sign that affidavit on the day he
11 interviewed you, or a different time?

12 A. I don't remember that. I thought he
13 interviewed me in warm weather and somebody said at
14 some process this was in January or something. But
15 I don't remember, because I remember we were outside
16 when this happened until it was a particularly warm
17 day.

18 Q. That's what I'm trying to get at, whether you signed
19 the affidavit on the same day you spoke to the
20 gentleman or on a different day?

21 A. From what I remember, I know he asked me to
22 either initial it or sign it or something. It was a
23 yellow pad. I don't remember. He handed me back
24 the pad and said would you read it to make sure I

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1 haven't put wrong things in here. I skimmed it, it
 2 didn't look like there was any glaring mistakes and
 3 put my name to it.
 4 Q. Okay. Now, other than the time you met with this
 5 gentleman which led to the affidavit, did you have
 6 meetings with anybody else to discuss historic
 7 events that took place at the site?
 8 A. People showed up, and I threw them away, told
 9 them to get away from me.
 10 Q. This one gentleman was the only one you spoke with?
 11 A. He's the only one I spoke with. I spent ten
 12 minutes with another guy outside the door. He asked
 13 me a couple of questions and I told him, listen,
 14 I've already answered these questions to someone
 15 else. Again, I was thinking that these people all
 16 worked for the Government, and they weren't, they
 17 were detectives for clients or insurance companies
 18 or whatever. I said, "Go to the other guy and get
 19 my affidavit, I told him everything I can
 20 remember." And people persisted to show up at my
 21 house, and I just told them to go away.
 22 Q. About how many people persisted you?
 23 A. Four, five.
 24 Q. Did these people tell you who they were working for?

1 of it.
 2 THE WITNESS: You can keep it.
 3 MR. BINDER: I don't want to take it
 4 away from you.
 5 (PLAINTIFF'S EXHIBIT 4
 6 MARKED FOR IDENTIFICATION)
 7 THE WITNESS: Had a bunch of other
 8 cards, I just lost them.
 9 Q. Is it your best recollection that Mr. Israel is the
 10 person who saw you and wrote the statement that
 11 appears in Exhibit 3?
 12 A. I'm not sure. It was awhile back. He seemed
 13 like a nice enough guy, kept me an hour or two and
 14 away he went.
 15 Q. Was your job at Metro-Atlantic and the barrel
 16 company the only part-time employment you had while
 17 you were a student?
 18 A. No. I worked in a textile mill in
 19 Burrillville, I can't remember the name of it
 20 anymore, but I worked there during the summer and
 21 sometimes evenings 3:00 to 11:00 while I was in
 22 school. As a matter of fact, that was a winter job
 23 when I was in the 11th and 12th grade, I worked
 24 second shift in the textile mill.

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1 A. I didn't care at that point because I knew
 2 eventually I'd be sitting at a desk. They drove my
 3 brother crazy. He foolishly talked to these people
 4 who would come back multiple times.
 5 Q. My question is, I understand that you didn't speak
 6 with anybody else, but did any of these other people
 7 tell you who they were working for?
 8 A. My assumption was they were all investigators
 9 for -- I can't remember, I've drawn a blank -- for
 10 the Government, for the EPA.
 11 Q. And that's either an assumption or something they
 12 told you?
 13 A. The first guy gave me that impression that's
 14 who he was. Someone gave me a card that said that.
 15 I even have that.
 16 (WITNESS SEARCHING FOR CARD)
 17 A. Whether that's true or not, I don't know. It
 18 seemed strange to me that if these people all worked
 19 for the same group, he has EPA on that, whether
 20 James Israel works for the EPA or not, I don't
 21 know. But people came to the door regularly. I
 22 just shooed them away and said no.
 23 MR. BINDER: Can we marked as the
 24 next exhibit this card, and we'll just make a copy

1 Q. What did you do in that textile mill?
 2 A. They made fabric. What I used to do is I used
 3 to fill the magazines, which is a hopper, thread is
 4 on bobbins, fill these bobbins and the shuttle would
 5 come across, and when it was empty, it would kick
 6 the shuttle out and grab a new one and continue on
 7 its way. The shuttle would go back and forth across
 8 the fabric, weaving the cloth.
 9 Q. And did you see how that textile mill disposed of
 10 its waste?
 11 A. No, sir.
 12 Q. When you worked in the summer for New England
 13 Container Company and Metro-Atlantic, did you work a
 14 full 50-odd hour week?
 15 A. I believe so.
 16 Q. That was the same work week you had when you worked
 17 full time?
 18 A. Full time it was dictated, you will work six
 19 days a week. That was the rule.
 20 Q. Now, when you were working at the barrel company and
 21 you changed your shoes and your work clothes, did
 22 the presence of dirt on the clothes have any effect
 23 on your desire to change them?
 24 MS. MAIN: Objection.

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1 A. Well, you didn't want to bring nasty clothes
2 into your vehicle and bring it home.
3 Q. When you say nasty, what do you mean that dirty?
4 A. It was dirty. It was whatever happened to be
5 on them from the course of the day. It was like you
6 just changed up, went home clean -- well, cleaner.
7 Q. So what were the factors that led you to change and
8 discard your clothes and shoes?
9 THE WITNESS: For either place?
10 MR. BINDER: Yes.
11 A. They were dirty; didn't want my mother to have
12 to wash them because they weren't going to get any
13 cleaner, anyhow. It was cheaper to toss them away.
14 Q. You mentioned they were dirty. Did any of the
15 powder that was at the container company, was that
16 of different colors?
17 A. They used to bring in barrels from places like
18 a name that I can remember, Bradford Dye and so,
19 yes, there were different colors.
20 Q. Would those colors get on your clothes?
21 A. Those colors would get on your clothes, and
22 pretty soon they all became one dark ugly color.
23 Q. Do you ever recall a chemical at Metro-Atlantic
24 known as a trichlorophenol?

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1 A. No.
2 Q. I think you testified about different fires while
3 you were at Metro-Atlantic and was corrected there
4 were about five or six small fires and one large
5 one?
6 MR. NETBURN: Objection.
7 A. There were several fires.
8 Q. What's your recollection as to the total number of
9 fires that were there?
10 MS. MAIN: Objection. Asked and
11 answered.
12 A. I don't think I have a clear recollection. I
13 do know that the fire department showed up several
14 times while I was there. I remember two fires
15 distinctly. One, I went out the second floor
16 window, and the other where my brother was involved
17 where I kicked through the door and we fought back
18 that mess.
19 Q. Do you recall approximately when it was where you
20 put out the big fire, approximately what year that
21 was?
22 A. It had to be '64, because it was cold weather,
23 and the doors were closed, and August of '65 I was
24 in the military. So it had to be in '64 or at the

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1 beginning of '65.
2 Q. So it would have been winter of '64 or '65?
3 A. It was cold weather. I remember it was cold
4 weather, because typically the doors in that place
5 stayed open until it got too cold to allow it.
6 Q. Okay. The explosion that took place when the wrong
7 chemical was put in the storage tank, do you recall
8 what year that was?
9 A. No.
10 MR. BINDER: I have no further
11 questions.
12 FURTHER EXAMINATION BY MS. MAIN
13 Q. I have just one follow-up, Mr. Nadeau. You just
14 said at Metro-Atlantic that typically the doors
15 would stay open until it got too cold out. Do you
16 know why that was; why the doors stayed open?
17 A. It made it easier to breathe to get fresh air,
18 especially if you were in the basement. Upstairs we
19 typically kept the windows open or the shipping bay
20 window open over the dumpster, it kept fresh air --
21 the place smelled bad.
22 Q. It smelled bad?
23 A. Yes, it smelled bad.
24

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1 FURTHER EXAMINATION BY MR. AYLWARD
2 Q. At Metro how many vats were there in the building?
3 A. I'm not really sure on it. I'm guessing, in
4 the areas that I worked with, I think there were
5 three or four on that second floor level. I can't
6 remember. I know there was some smaller ones in
7 Bill's area.
8 Q. Were those vats always used for the same chemical,
9 or were they occasionally used for different
10 chemicals?
11 A. For different products. It was a flavor of the
12 day, whatever needed to be made or was being sold.
13 Q. And when you used them for different products, was
14 it occasionally necessary to clean out the vats
15 before the new product was put in?
16 A. Typically what would happen before you put --
17 two things would happen before you put in new
18 product, from what I can remember. Sometimes they
19 would fill that tank with water and boil it. How
20 they boiled it, they had a live steam pipe going in
21 there and they would just turn on the live steam and
22 eventually it would clean it off.
23 Q. I think you said there was a second way they did it?
24 A. You just took a live steam hose and just smoked

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1 it, just held the steam hose to it until it cleaned
 2 out, and that would go on down the bottom and roll
 3 out.
 4 Q. Okay. And when they were done cleaning the liquid,
 5 that was used to clean it or the steam would drain
 6 out?
 7 A. Would drain out, yes.
 8 Q. You testified earlier about unloading things from
 9 trucks, were there ever -- at Metro, were there ever
 10 tanker deliveries?
 11 A. There were tanker deliveries.
 12 Q. Could you describe the process by which chemicals
 13 would be pumped from a tanker truck into the Metro
 14 plant?
 15 A. There were a couple of different ways. Some
 16 people came in with flexible hose and it was
 17 attached to the receiver end of the storage tank,
 18 and it was pumped in that way directly to the tank
 19 itself. We had a line on the outside of the
 20 building where one tanker truck would deliver
 21 caustic, and that was right on the side of the
 22 building the guy hooked up the caustic acid into
 23 that pipe through the building and drop down into
 24 the tank.

1 tank, when it went, discolored the houses, whatever
 2 color they were, it wasn't the same, it was
 3 discolored.
 4 Q. Was it causing the paint to peel and blister also?
 5 MR. BINDER: Objection.
 6 A. I don't remember.
 7 MS. MAIN: On the record, I'm going
 8 to send you a copy of this deposition transcript, if
 9 you wouldn't mind reading it, I'll give you a piece
 10 of paper along with it, and if you see any errors,
 11 you can put them on the piece of paper.
 12 THE WITNESS: I might remember a
 13 name or too, so...
 14 MR. AYLWARD: Sure. For spellings,
 15 make sure we didn't miss anything.
 16 MS. MAIN: We'll waive notary.
 17 THE REPORTER: Who would like a
 18 transcript?
 19 MR. BINDER: Mini and ascii,
 20 MR. GLOWACKI: Mini and ascii.
 21 MR. AYLWARD: Mini.
 22 MR. NETBURN: Mini and disk.
 23 (DEPOSITION CLOSED AT 11:45 A.M.)
 24

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1 Q. Was there one loading area where those deliveries
 2 were made, or were there various areas?
 3 A. I can't remember.
 4 Q. Did you ever work that loading area?
 5 A. On the shipping and receiving dock, no. I
 6 would be drafted into that when they needed someone,
 7 what they would do, if we were putting the stuff on
 8 the second or third floor, the shipping and
 9 receiving people would take it off the trucks, put
 10 it on the elevator, send the elevator up, and I
 11 would unload that elevator and stack it in the
 12 appropriate area.
 13 Q. Did you ever hear of any chemical spills in the
 14 course of liquid deliveries at the plant?
 15 THE WITNESS: A direct spill?
 16 MR. AYLWARD: Or in the course of
 17 unloading from a tanker truck a spill occurring.
 18 A. No. I don't remember any.
 19 Q. Okay. Lastly, you were asked a couple of questions
 20 about this explosion that apparently caused Metro
 21 to --
 22 A. Paint some houses.
 23 Q. Why was it the houses had to be repainted?
 24 A. Whatever was in that -- whatever was in the

1 C-E-R-T-I-F-I-C-A-T-E
 2
 3 I, LINDA L. GUGLIELMO, a Notary Public in and for
 4 the State of Rhode Island, duly commissioned and
 5 qualified to administer oaths, do hereby certify
 6 that the foregoing deposition of JOSEPH NADEAU, a
 7 Witness in the above-entitled cause, was taken
 8 before me on behalf of the Defendants, at the
 9 offices of Holland & Knight, One Financial Plaza,
 10 Providence, Rhode Island, on December 17, 2002, at
 11 9:30 A.M., that previous to examination of said
 12 witness, who was of lawful age, he was first sworn
 13 by me and duly cautioned and sworn to testify the
 14 truth, the whole truth, and nothing but the truth,
 15 and that he thereupon testified as in the foregoing
 16 manner as set out in the aforesaid transcript.
 17 I further certify that the foregoing deposition was
 18 taken down by me in machine shorthand and was later
 19 transcribed by computer and that the foregoing
 20 deposition is a true and accurate record of the
 21 testimony of said witness.
 22 Pursuant to Rule 5 (d) and 30 (f) of the Federal
 23 Rules of Civil Procedure, original transcripts shall
 24 not be filed in court; therefore, the original is
 25 delivered and retained by Defendant's attorney,
 26 Ms. Robin Main.
 27 I have enclosed with a copy of the deposition a
 28 correction and signature page, which must be signed
 29 before a Notary Public.
 30 IN WITNESS WHEREOF, I have hereunto set my hand this
 31 _____ day of DECEMBER 2002.
 32
 33 LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR
 34 (MY COMMISSION EXPIRES AUGUST 13, 2005)

C-E-R-T-I-F-I-C-A-T-E

I, LINDA L. GUGLIELMO, a Notary Public in and for the State of Rhode Island, duly commissioned and qualified to administer oaths, do hereby certify that the foregoing deposition of JOSEPH NADEAU, a Witness in the above-entitled cause, was taken before me on behalf of the Defendants, at the offices of Holland & Knight, One Financial Plaza, Providence, Rhode Island, on December 17, 2002, at 9:30 A.M., that previous to examination of said witness, who was of lawful age, he was first sworn by me and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, and that he thereupon testified as in the foregoing manner as set out in the aforesaid transcript.

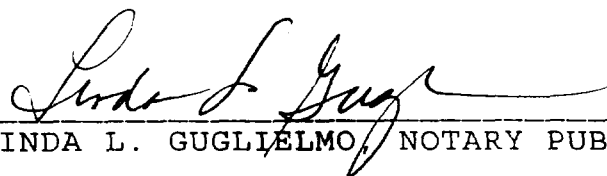
I further certify that the foregoing deposition was taken down by me in machine shorthand and was later transcribed by computer and that the foregoing deposition is a true and accurate record of the testimony of said witness.

Pursuant to Rule 5 (d) and 30 (f) of the Federal Rules of Civil Procedure, original transcripts shall not be filed in court; therefore, the original is delivered and retained by Defendant's attorney, Ms. Robin Main.

I have enclosed with a copy of the deposition a correction and signature page, which must be signed before a Notary Public.

IN WITNESS WHEREOF, I have hereunto set my hand this

23rd day of DECEMBER 2002.


LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR

(MY COMMISSION EXPIRES AUGUST 13, 2005)

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